IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4334 OF 2006.

C.Ponniah Nadar. ... Petitioner.

V/s.

The Greater Mumbai Education Society and others. ... Respondents.

M.P.Vashi i/b. M.P.Vashi & Asso. for the petitioner.

Ms.Kumud Bhati for respondent Nos.1 and 2.

Ms.V.S.Mhaispurkar, AGP for respondent Nos.3 & 4.

CORAM: V.C.DAGA, J.

DATED: 12th September 2006.

P.C.:

. Heard learned counsel for the rival parties.

. Perused petition.

2. This petition is directed against the order dated 16th March, 2006 passed by Presiding Officer, School Tribunal, Mumbai, whereby the termination of the petitioner was upheld and the appeal filed by the petitioner challenging termination was dismissed holding that his termination was in accordance with law.

3. Since the petitioner was on probation for a period of two years and services of the petitioner were terminated prior to completion of his probation period. Mr.Vashi, learned counsel appearing for the petitioner tried to contend that termination order though innocuous but the same has been issued with a view to punish the petitioner. He, thus, submits that the order of punishment casts stigma and, therefore, impugned order of the Tribunal is liable to be set aside. The correspondence available on record shows a letter/memo was issued to the petitioner on 31st March, 1999 bringing to his notice breach of clause 28(5)(a)(iii) making certain allegations of moral turpitude against the him. The said letter/memo was replied by the petitioner vide his letter dated 5th April, 1999 denying all the allegations made against him. After receipt of said reply, no action was taken by the management. That leads me draw inference that the management was satisfied with his explanation furnished.

4. That, after lapse of one year another memo came to be issued to the petitioner bringing to his notice certain lapses on his part with respect to quality of his teaching work which can be divided under following different heads:

"METHODOLOGY.

. You have been found reading aloud from the textbook in History and Geography classes in front of the students and asking them questions. The children keep the textbook open in front of them,listen to your reading and answer your questions. This incorrect methodology is followed through out the period. This is not standard practice followed in a History or Geography lesson anywhere. Your adoption of incorrect methodology in teaching will only produce academically weak students.

USE OF AV AIDS.

. Inspite of repeatedly advising you not to read from the text book in front of the students and to carry AV aids to the class like pictures, maps, globe or charts for better learning experiences aiding retention, you have not done so. Yet you mention the names of AV aids in your log book.

The limitations that I have observed from your lessons.

1. LANGUAGE :

. As an English teacher, it is automatically expected of you to have good command over English language. One of your methods is English. You ask grammatically incorrect questions explain in incorrect language. As a language teacher, it is your prime duty to use correct language, develop good language skills in students apart from teaching sons. This aim is not achieved by the school.

2. METHODOLOGY.

. Suitable methodology for the lesson is not selected. Most of the time it is expository lesson with No.AV aids. The lesson becomes monotonous. Instead of making the students active learners, you have made them by your teaching methods passive listeners.

3. LESSON PLANNING.

. Your delivery of lessons exhibit extempore teaching-learning experiences, lack of planning and preparation, lack of AV aids, poor summary development on the chakboard, no importance to time management. Unsatisfactory skill of explanation and questioning due to unsatisfactory language development in you as a student and as a teacher.

4. CHILD CENTERED EDUCATION.

. Today's education is child centered and not teacher centered. The duty of every teacher today is that of a facilitator. It is your to make the lesson interesting by keeping the students actively involved in the lesson but you have not taken pains to deliver even a single good lesson uptill now. This shows lack of professional commitment in you as a teacher."

5. The lapses committed by the petitioner were serious. The petitioner did not reply to this memo. Thus, it is clear that these lapses pointed out by the management were accepted by the petitioner. This scenario, if taken into consideration, one has to conclude that the services of the petitioner, who was on probation, were terminated for unsatisfactory work. That no inference can be drawn that letter dated 31st March, 1999 was a foundation for the order of

termination. The view taken by the Tribunal is in consonance with the observations of this Court in the case of **Shri Vittal P. Dhere v. Shree Kedarnath Shikshan Sanstha**, 1998 (1) B.C.R. 502.

6. In this view of the matter, no case is made out to interfere with the impugned order. Petition is, thus, dismissed in limini with no order as to costs.

(V.C.DAGA, J.)